



TOWN OF WEARE
PLANNING BOARD
ZONING BOARD OF ADJUSTMENT
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Naomi L. Bolton
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Office Hours:
Monday
thru
Friday
8 AM – 4:30 PM

**PLANNING BOARD
MINUTES
OCTOBER 8, 2009
(Approved as written 12/17/09)**

PRESENT: Chairman Craig Francisco; Frank Bolton, Vice Chairman; Tom Clow, Exofficio; George Malette, Secretary; Neal Kurk; Naomi Bolton, Land Use Coordinator

GUESTS: Brian Ivinjack; Christine Ivinjack

I. CALL TO ORDER:

Chairman Craig Francisco called the meeting to order at 7:05 PM at the Weare Town Office Building.

II. WORK SESSION:

BRIAN IVINJACK – SIGN REQUEST – 33 NORTH STARK HIGHWAY:

Brian and Christine Ivinjack were present. He is one of the new owners of 33 North Stark Highway. He is here to request two new signs. The board went over his request and suggested that he look at the regulations to see exactly what he is allowed. The board further explained that the two existing signs that are internal lit are illegal and not allowed in the Weare Center Village according to the current zoning ordinance. Mr. Ivinjack was given a copy of the sign ordinance to see what he can do for compliance. George Malette stated that if he needs something different than what is allowed then he could apply to the zoning board for relief. Naomi explained that the deadline for the November zoning meeting is Monday, October 12th. The Town office is open all day.

DISCUSSION OR FOLLOW UP OF THE CONSERVATION EASEMENT SUBCOMMITTEE CHANGING REGULATIONS REGARDING REQUIRING CLUSTER DEVELOPMENTS:

The board discussed a proposed email from Frank Bolton regarding proposed amendment changes to cluster development. The following amendments were discussed. The articles were typed as the article would appear in zoning today with the proposed removal done by strike through and the proposed new wording would be in “**bold**”. The proposed changes were as follows:

1. Section 27.3.11

At least fifty percent (50%) of total tract area exclusive of public right-of-ways (and buffer strips within lots) shall be set aside as open space covenanted to be maintained as permanent “conservation land” in private,

public, cooperative or non-profit ownership. ~~Open space within a cluster development shall be protected by permanent conservation easements held by a qualified conservation organization; the Town, an agency of the state government, or, at the option of the Planning Board~~ Permanent covenants may be held by the land owners or such open space **may be** deeded to the Town of Weare in fee ownership subject to the restriction that **the land shall be retained** as open space for purposes described in this Article. Such land shall be restricted to allowed open space uses. Agricultural uses allowed in the zoning district containing the cluster development shall be considered allowed open space uses. Such land shall have suitable public access, unless the Planning Board determines such access is not in the public interest.

2. Section 27.3.1

~~Cluster developments may be permitted or required in the Residential (R) and Rural Agricultural (RA) Districts, including the Rural Conservation Overlay (RC) District.~~ **Cluster developments are required in the Rural Agricultural (RA), Rural Conservation Overlay (RC) and the Residential (R) Districts.** After consultation and recommendation by the Conservation Commission, the Planning Board may require that a subdivision be proposed as a ~~cluster development~~ **conventional development.** **To cover potential legal costs, monitoring and open space maintenance the following charges will be assessed: 3-10 lot cluster development, \$5,000; 10+ lots, \$10,000.**

3. Section 27.3.3

The maximum number of dwelling units per cluster development shall be determined by the maximum number of conventional lots that could be subdivided in accordance with all the other requirements in this ordinance and the Town of Weare Subdivision Regulations for conventional subdivision. The applicant shall present a yield plan to demonstrate the number of conventional lots achievable. A 20% density bonus, rounded to the nearest whole number, will be allowed for cluster developments in the Rural Agricultural (RA) ~~District~~ **and Residential (R) Districts that have open space with permanent conservation easements held by a qualified conservation organization, the town or an agency for the state government.** No such density bonus will be allowed for cluster developments in the Rural Conservation Overlay (RC) District.

4. Another suggested proposal was that permanently marking the open space land at a minimum of 50 feet. The markings shall be highly visible and contain detectable metal. Such markings shall be subject to Planning Board approval. This could be done in the subdivision regulations under 8.6 Monuments at a later date, therefore this suggested proposal will not be considered.

5. Another suggested proposal was that any individual or contracting entity with outstanding zoning infractions will cease all construction in the Town of Weare until these infractions have been remedied. There was no proposed wording at this time. Board members were going to look into these on their own.

There were some questions that the board will be needing answers to and that is does the Town have to pass some enable legislation to deal with zoning infractions? This law reverses and forces the accused to go to court rather than Chip Meany, Code Enforcement Officer. Do we need to pass some enabling legislation? Naomi is to ask Mr. Meany.

6. Phasing table changes: The suggested change is the amount of annual building permits that can be issued depending upon a certain size development. It appears that tonight's consensus is enough to put this forth for a potential ballot item. Chairman Francisco is going to look into it further and bring additional information forward. (See Article 15.1.2)

All residential subdivisions, condominiums and multi-family housing of 4 dwelling units or greater shall be subject to phasing in accordance with TABLE 1-2 below:

Total Dwellings <i>Units</i>	<i>Maximum Annual</i> Building Permits
4	2 per year
4 to 10 5 to 10	5 3 per year
11 to 18	6 4 per year
19 to 28	7 5 per year
29 to 40	8 6 per year
41 to 54	9 7 per year
55 or more	10 8 per year

TABLE 1-2 FOR RESIDENTIAL DEVELOPMENT PHASING:

The table illustrates the maximum number of available building permits per development per calendar year approved under this article. Surplus permits in any given year shall not be added onto the number of permits available the following year.

7. Neal Kurk brought forth a proposal to add more language to Article 3.12.1. The purpose is to set a consistent threshold to achieve the active and substantial development and building. Chairman Francisco is going to look into this further and send it around to some developers for input.

DISCUSSION ON SOURCE WATER PROTECTION PLAN: This draft plan was just discussed yesterday by the subcommittee and the plan is to have a corrected draft copy that can be shared at the next meeting on October 22, 2009.

DISCUSSION ON ROAD STANDARDS: Neal Kurk put together some proposed changes to the Subdivision Regulations with regard to road width that could be discussed at a later work session.

DISCUSSION OR FOLLOW UP OF THE WETLANDS BUFFER SUBCOMMITTEE: The last meeting was cancelled due to members not being able to attend and is supposed to be rescheduled, but to date there has been no further date been chosen.

DISCUSSION ON PROPOSED ZONING AMENDMENTS: This was discussed up further in the minutes under the Conservation Easement Subcommittee discussion.

III. ADJOURNMENT:

As there was no further business to come before the board, Tom Clow moved to adjourn at 9:40 PM; George Malette seconded the motion, all in favor.

Respectfully submitted,

Naomi L. Bolton
Land Use Coordinator